

REMARKSRequest for Reconsideration

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the opinion that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the above amendments to the claims and the following remarks.

Claims Status

Claims 18-31 are presented for further prosecution.

Claim 18 has been amended to delete the phrase "non adjustable". This amendment has been made to respond to the 112 rejection which is referred to below.

112 Rejection

Claims 18-31 had been rejected under 35 U.S.C. 112, first paragraph, on the basis that the Specification did not reasonably convey to one of skill in the art that the mirror's position was non adjustable.

Claim 18 has been amended herein to delete the phrase non adjustable, however, Applicant disagrees with the Examiner's position that the Specification does not teach that the mirror is positioned in a non adjustable position. The reason for this will be outlined in more detail below.

Prior Art Rejection

Claims 18-22 and 24-31 had been rejected as being unpatentable over a combination of Lang and Repay while Claim 23 had been rejected as being unpatentable over a combination of Lang, Repay and Grissen. Applicant respectfully traverses these rejections.

Applicant traverses the rejection on three grounds. First, Repay does not teach a mirror frame fixed within a housing, second, the combination of Repay and Lang is improper and third, the combination of Lang and Repay do not result in the present Invention.

1) Repay does not teach a frame fixed within a housing.

Applicant's mirror has the frame fixed within the housing. The term "fixed" means securely placed or fastened,

non adjustable, permanently and definitely located, and immovable, see attached printout from Webster's International Dictionary. Thus, the term "fixed" and "non adjustable" are synonymous. Applicant has deleted the term "non adjustable" not only to overcome the 112 rejection but, also, to better define the claim since having the term "fixed" and the phrase "non adjustable" are redundant.

The term "fix" and the term "fixed" are different terms and do not mean the same thing. The Examiner is correct in his understanding that the word "fix" means to make firm, stable or to make fast. Thus, the term "fix" infers that the item is movable but can be made firm. This is in direct contrast with the term "fixed" which means that the frame is non adjustably or permanently and definitely located within the housing. Thus, the frame is securely placed or fastened to the rim portion of the housing.

In order to support Applicant's argument that the term "fix" is different than the term "fixed", attached is a printout from Webster's International Dictionary for the term "fix". It is respectfully submitted that it can be seen that the word "fix" and "fixed" are different and mean different things.

The Examiner takes the position that Repay teaches that the frame is in a fixed position in the housing because of dampening element 38. Applicant respectfully disagrees. It may be that the vibration dampening element 38 helps stabilize the mirror and frame to minimize or alleviate vibrations, however, this does not mean that the frame is fixed because the frame is clearly adjustable as recited at Column 2, lines 21-32.

Thus, although Repay teaches that vibration dampers 38 helps to fix the frame to avoid vibrations, Repay does not teach that vibration dampers 38 cause the frame to be fixed within the housing. If vibration dampers element 38 fixed the position of the frame within the housing, then the apparatus of Repay would be destroyed because Repay's mirror would be a non adjustable mirror.

2) Lang teaches a non-adjustable frame within the housing while Repay teaches an adjustable frame within the housing, thus, the combination is improper.

Lang teaches a frame that is fixed in the housing. Specifically, frame 12 has a snap fitted to housing 18.

Thus, it can be said that frame 12 is fixed with respect to housing 18.

In contrast, Repay teaches that frame 25 is adjustable within housing 22. Thus, Lang and Repay are directly opposite each other in the fact that Repay teaches that the frame that holds the mirror is adjustable within the housing while Lang teaches that the frame that holds the mirror is non adjustable within the housing. Applicant submits that it is inappropriate to combine these two references since they are directed to different fields, Repay has an adjustable frame within the housing while Lang has a frame that is fixed to the housing.

3. The combination of Lang and Repay do not result in the present Invention.

If one were to combine the frame and mirror lens of Repay with a housing arrangement in Lang, one would not arrive at the present Invention because Repay teaches that his frame and mirror lens is adjustable within the housing. This means that the frame would not be fixed within the housing since it would be adjustable within the housing. As previously noted, Repay specifically teaches that his mirror

and frame are adjustable with respect to the housing. Thus, it is respectfully submitted that the combination of Repay and Lang do not result in the present Invention.

Grissen has been cited to teach a mirror lens that has a snap fit within a frame. This teaching, however, does not teach the fact that a frame and a mirror are both wholly located within the housing and are located in a fixed position with respect to the housing. Thus, it is respectfully submitted that Grissen, even taken in combination with Lang and Repay, does not teach the present Invention.

CONCLUSION

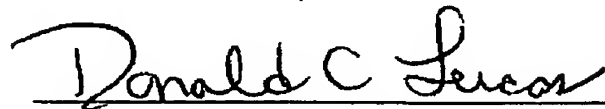
In view of the foregoing and the enclosed, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition,

appropriate requests are hereby made and authorization is
given to debit account #02-2275.

Respectfully submitted,

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DCL/mr

Encl: Excerpt from Webster's International Dictionary.

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From: LUCAS & MERCANTI, LLP

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fixed \fikst\ *adj* [ME, fr. past part. of *fixen* to fix — more at **FIX**] **1 a** : securely placed or fastened (a ~ piece of wood)
: not adjustable (a ~ resistor) : permanently and definitely located : STATIONARY, IMMOVABLE (there were no ~ theaters in the provinces —G.M.Trevelyan) **b (1)** : NONVOLATILE (a ~ acid) (~ carbon) **(2)** : COMBINED 1b, BOUND 6 (~ nitrogen) **(3)** : slowly soluble as a result of combination (~ copper fungicides) **c (1)** : not subject to change or fluctuation : ABSOLUTE, SETTLED, DEFINITE (revolution . . . could never be a ~ right —S.W.Chapman) (urged the assembly to grant him a ~ salary) (a ~ rate pays for transportation . . . and food on tours —*Current Biog.*) **(2)** : held to tenaciously and often blindly or obsessively : UNSWERVING, SET (is very ~ in his ways and thought) (the man of ~ ideas . . . is today a public danger —*Nation*) **(3)** : having a final or crystallized form or character : incapable of further development : FROZEN (America is not yet a ~ and settled land —Barbara Ward) (the respect of the eighteenth century for ~ forms —R.B. West) (animal species are ~ and it is possible to define them in static terms —H.M.Parshley) **(4)** : recurring on the same date from year to year (~ feast) **d** : RIGID, IMMOBILE, CONCENTRATED (sat with a look of ~ attention on his face) (her thick glasses gave her eyes a ~ stare —Allen Tate) **2** : supplied with a definite amount of something needed or desirable : PROVIDED (how are we ~ for seamen —*Argosy*); *esp* : supplied with money (began to feel . . . that I was well ~ —W.A. White)

FIW abbr free in wagon

fix \ˈfiks\ vb -ED/-ING/-ES [ME *fixen*, fr. L *fixus*, past part. of *figere* to fasten, pierce — more at DIKE] vt **1 a** (1) : to make (a material object) firm, stable, or stationary : make fast (<~ a post in the ground> <the internal passport system introduced ... to ~ the population — Bernard Pares> (2) : to implant firmly (as an idea or institution) : make permanent (<intent on ~ing a way of life outmoded in the home country — D.M. Friedenberg> <harsh words, threats ... only ~ the habit deeper — H.R. Litchfield & L.H. Dembo> (3) : to give a final or permanent form to : make definite and settled : CRYSTALLIZE (<~ed the cultural pattern that dominates the contemporary scene — *Amer. Guide Series: Minn.*) <Greene and his fellows evolved the style of what was to become Shakespearean drama, and ... Marlowe ~ed it — W.B. Adams> (4) : to give definite, visible, or fixed form to (something that is intangible, fleeting, or elusive) : CAPTURE, EVOKE (<that other aspect of truth which the scientist tries to catch and ~ — J.L. Lowes> <~ed their fears ... in ebony images — F.J. Mather> <a voyage of speculation that aimed rather to survey the world than to ~ a convincing vision — Edmund Wilson> <~ in words, before time blurs them, the clear lineaments of genius — *Dock Leaves*> **b** (1) : to make nonvolatile or solid : cause to form a nonvolatile or solid compound (<~ ammonia>); also : COMBINE (<~ nitrogen to form ammonia> <leaves of many plants take up carbon dioxide and ~ it in organic acids> (2) : to make (a fertilizer element or a trace element) insoluble by combination with soil minerals and thus often unavailable or only slowly available to plants (3) : to make (a perfume) more lasting by adding a substance that reduces the rate of evaporation (4) : to treat so as to make some condition permanent (<~ an oil in the vapor state by mixing it with a gas> (5) : to make the image of (a photographic negative or positive) more permanent by changing the unused silver salts to a soluble form that can be removed by washing (6) : to kill, harden, and preserve (as organisms or fresh tissues) for microscopic study or other purposes usu. by immersion in dilute acids, alcohol, or solutions of substances that quickly coagulate living tissue (7) : to establish or make (as a trait, quality, peculiarity) permanent by selective breeding **c** (1) : FASTEN, ATTACH, AFFIX (<once the toxin has been combined with our tissues, it remains firmly ~ed to them — Justina Hill> <the old-fashioned scythe blade ... usually works loose, unless skillfully ~ed — F.D. Smith & Barbara Wilcox> <will be able to ~ a silver and red badge to their vehicles — *N.Y. Times*> (2) : to direct in an unwavering or concentrated manner : CONCENTRATE (<~ed his ambition upon orthopedic surgery as his lifework — J.M. Phalen>); *specif* : to direct an unwavering gaze upon (<his mother ~es him icily — Samuel Taylor> <~ed her with his eye — Agnes S. Turnbull> (3) : to hold fast : CAPTURE (<tried to ~ her eyes with his, but she was ... looking away — Marcia Davenport> <seemed capable of being ... attractive without wanting to ~ the attention of every man near her — Jane Austen> **2 a** : to set or place definitely : STATION, SETTLE (<~ed his residence in the city> <~ed himself in New York> **b** : to assign precisely : settle on : DETERMINE, DEFINE (<federal and state courts ~ not only wages but hours and working conditions as well — Nathaniel Peffer> <~ the limits of a debate> <wonder why such a lonely spot was ~ed in the first place — Sydney Moorhouse> <difficult to ~ the place of this remarkable statesman in history> <no time or place has yet been ~ed — Jess Whitworth> **c** : ASSIGN, PLACE (<~ responsibility> <~ the guilt> <so many mistakes were made ... that it was difficult to ~ the blame — Isaac Rosenfeld> **3 a** : to set or place in order or in a certain pattern : adjust or settle properly or for a desired end (<~ed his face in an expression of mock disgust — C.B. Flood> <~ed his spectacles and read aloud — George Meredith> <~ed its door so that it couldn't be opened from the outside — Raymond Chandler> **b** : to line the hearth of (a furnace) with fettling **4 a** (1) : to put in neat-appearing order : ARRANGE, PREPARE (<~ed the same room for you — Ellen Glasgow> <~ed their hair in the Holly-

wood manner—Norman Cousins) (asked me to ~ the table for the family dinner); *specif* : to get (food) ready (<~es lunches for the children to take to school—*N.Y. Times*) (coffee ~ed with milk—Lorraine Calhoun) (<~ed himself a drink) (2) : REPAIR, MEND (they know how to ~ their cars—Feliks Gross) (called in a plumber to ~ the drain); *also* : to improve the physical condition of : RESTORE, CURE—often used with *up* (that doctor ~ed up my son fine) (told her that food would ~ her up—E.D. Radin) (3) : to take care of : see to : SOLVE (getting your name in the society columns won't ~ anything—*Better Homes & Gardens*) (anything that's wrong with our life today, people expect the schools to ~—Hannah Lees)—often used with impersonal *it* as object (the battalion surgeon ~ed it so I didn't have to go to the hospital—P.B. Kyne) (4) : CASTRATE, SPAY (5) : to remove a principal means of defense from (as a pet skunk) *b* : to do for (someone) : get even with : PUNISH (wish I could ~ them—P.G. Wodehouse) (God'll ~ you—Dan Browne) (the vigilante committee warned sheepmen away . . . on the threat of ~ing them up—*Amer. Guide Series: Oregon*) *c* (1) : to determine the outcome of (a contest) by bribery or other improper methods (all his fights have been ~ed—Budd Schulberg) (arrested for ~ing games—*Sports Illustrated*) (he can ~ an election so that one of his stooges becomes a key official—Malcolm Johnson) : tamper with in advance (a horse ~ed to lose a race) (a ~ed slot machine) (2) : to induce by bribery or influence to give a favorable decision (the jury had been ~ed) : obtain the quashing or disposal of by tampering or other arrangement (<~es a traffic ticket or bribes a building inspector—Herman Kogan) *5 slang* : to give (someone) a narcotic ~ *vi* *1* : to become fixed; *esp* : to become firm or stable *2 a* : to settle or remain permanently : cease from wandering *b* : to direct the gaze or attention : FOCUS, FIXATE (her eyes ~ed sideways for an instant)—often used with *on* or *upon* (the examinee is then directed to ~ on the examiner's right eye—H.G. Armstrong) *c* : ARRANGE, DETERMINE, AGREE, DECIDE (the general had ~ed to be out by that hour—Jane Austen)—usu. used with *on* or *upon* (<~ with a contractor on a sum to be paid for the job—*Glasgow Sunday Post*) (had ~ed on the first week in November—Edna Ferber) (<~ed on a cabin by the lake to spend vacation) *3* : to get set : be about to : PREPARE, INTEND—used chiefly in the present participle (are ~ing to ship some cattle—F.B. Gipson) (<~ing to cop the first postwar contract in the shipbuilding industry—*Time*) (<~ing to leave town for good—Erskine Caldwell) (<~ing to rain) *SYN* see FASTEN, SET—*fix bayonets* *1* : to attach a bayonet to a rifle—used as a command *2* : to raise the right hand in a mass swearing-in ceremony—used of Salvationists

fix \ˈfiks\ *n* -ES *1 a* : a position of difficulty or embarrassment : PREDICAMENT, DILEMMA (found himself in an awful ~) *b* : the position (as of a ship or airplane) obtained by bearings of fixed objects, by observations of heavenly bodies, or by radio means; *also* : a determination of one's position *2* : FETTLING *3 a* (1) : an arrangement whereby relative immunity from application of the law is obtained through the employment of economic, political, or social influence and *esp.* through the payment of money to law-enforcement officers or other authorities (collusion between state party officials and the local collector of internal revenue led to tax ~es for gamblers, racketeers, and businessmen—*New Republic*) (2) : the money paid (as by the owner of a gambling house) to a law-enforcement officer or other person wielding influence or authority for protection from the law : BRIBE *b* : an instance of collusion or private agreement that gives special or unfair advantage to one of the parties (in the dream life of the little businessman the sure ~ is replacing the open market—C.W. Mills); *specif* : a sports contest whose outcome is prearranged (virtually impossible for a spectator to recognize a ~ even if he is told—O.R. Cohen) *4 slang* : a shot of a narcotic *5* : a tall drink made with alcoholic liquor, lemon juice, and sweetening, served in cracked ice, and decorated with fruit (brandy ~) (gin ~) *SYN* see PREDICAMENT